



Department of Planning, Building and Code Enforcement

STEPHEN M. HAASE, AICP, DIRECTOR

**PUBLIC NOTICE
INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
CITY OF SAN JOSÉ, CALIFORNIA**

Project File Number, Description, and Location

PDC03-050. Planned Development Rezoning from R-1-5 Residence District to A(PD) Planned Development Zoning District and subsequent permits to allow up to eight single-family detached residences (Gateway Community Church, Owner, Charles W. Davidson Co., Developer). Council District: 06

California State Law requires the City of San José to conduct environmental review for all pending projects that require a public hearing. Environmental review examines the nature and extent of any potentially significant adverse effects on the environment that could occur if a project is approved and implemented. The Director of Planning, Building & Code Enforcement would require the preparation of an Environmental Impact Report if the review concluded that the proposed project could have a significant unavoidable effect on the environment. The California Environmental Quality Act (CEQA) requires this notice to disclose whether any listed toxic sites are present. The project location **does not** contain a listed toxic site.

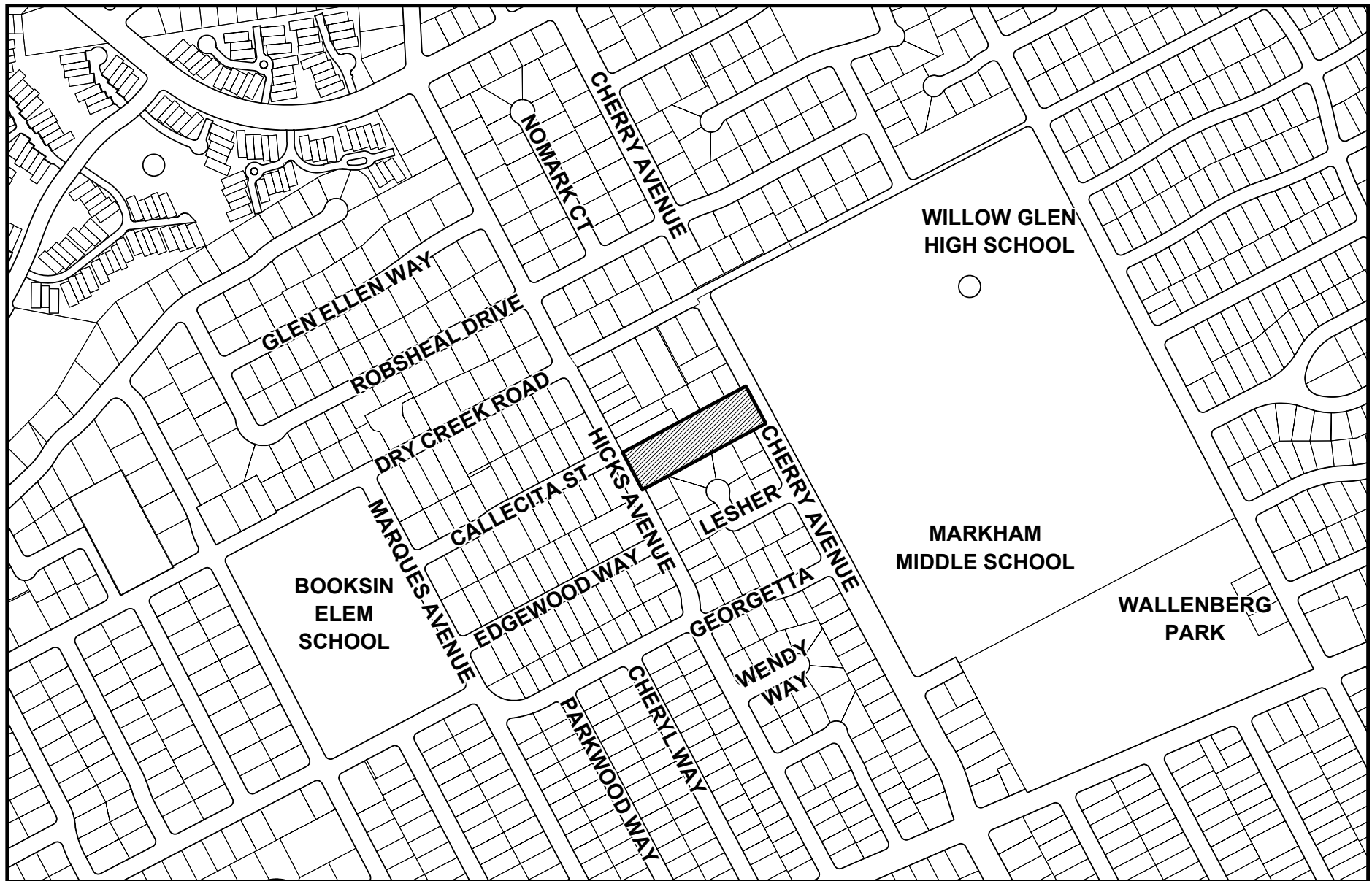
Based on an initial study, the Director has concluded that the project described above will not have a significant effect on the environment. We have sent this notice to all owners and occupants of property within 500 feet of the proposed project to inform them of the Director's intent to adopt a Mitigated Negative Declaration for the proposed project on November 18, 2003, and to provide an opportunity for public comments on the draft Mitigated Negative Declaration. The public review period for this draft Mitigated Negative Declaration begins on October 30, 2003 and ends on November 18, 2003.

A public hearing on the project described above is tentatively scheduled for November 19, 2003 at 6pm in the City of San Jose Council Chambers, 801 N. First Street, San Jose, CA 95110. The draft Mitigated Negative Declaration, initial study, and reference documents are available for review under the above file number from 9:00 a.m. to 5:00 p.m. Monday through Friday at the City of San Jose Department of Planning, Building & Code Enforcement, City Hall, 801 N. First Street, Room 400, San Jose, CA 95110. The documents are also available at the Dr. Martin Luther King, Jr. Main Library, 150 E. San Fernando St, San José, CA 95112, and the Willow Glen Branch Library, 1157 Minnesota Avenue, San José, CA 95125 and online at www.ci.san-jose.ca.us/planning/sjplan/eir/mnd2003.htm. Adoption of a Negative Declaration does not constitute approval of the proposed project. The decision to approve or deny the project described above will be made separately as required by City Ordinance. For additional information, please call **Anastazia Aziz** at (408) 277-4576.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 31, 2003

Deputy



Scale: 1"=500' Created on 06/10/03



File No: PDC03-050

District: 06

Quad No: 99

**DRAFT
MITIGATED NEGATIVE DECLARATION**

The Director of Planning, Building and Code Enforcement has reviewed the proposed project described below to determine whether it could have a significant effect on the environment as a result of project completion. "Significant effect on the environment" means a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance.

NAME OF PROJECT: Lands of Gateway Community Church

PROJECT FILE NUMBER: PDC03-050

PROJECT DESCRIPTION: Planned Development Rezoning from R-1-5 Residence District to A(PD) Planned Development Zoning District and subsequent permit to allow up to eight single-family detached residences.

PROJECT LOCATION & ASSESSORS PARCEL NO.: East side of Hicks Avenue approximately 320 feet southerly of Dry Creek Road; 439-55-062

COUNCIL DISTRICT: 06

NAME OF APPLICANT: Charles W. Davidson Co.

MAILING ADDRESS AND PHONE NO. OF APPLICANT CONTACT PERSON: 255 West Julian St., #20, San Jose, CA 95110 Attn: Ray Bold

FINDING

The Director of Planning, Building & Code Enforcement finds the project described above will not have a significant effect on the environment in that the attached initial study identifies one or more potentially significant effects on the environment for which the project applicant, before public release of this draft Mitigated Negative Declaration, has made or agrees to make project revisions that clearly mitigate the effects to a less than significant level.

MITIGATION MEASURES INCLUDED IN THE PROJECT TO REDUCE POTENTIALLY SIGNIFICANT EFFECTS TO A LESS THAN SIGNIFICANT LEVEL

1. HAZARDS AND HAZARDOUS MATERIALS

Potential On-Site Contamination Sources

Impact: Demolition of the buildings on-site could expose construction workers or nearby receptors to harmful levels of lead or ACMs.

Mitigation: Adherence to the following regulatory programs and implementation of the following mitigation measures would reduce potential impacts due to the presence of ACMs and/or lead-based paint:

- Requirements outlined by Cal/OSHA Lead in Construction Standard, Title 8, CCR 1532.1 shall be followed during demolition activities, including employee training, employee air monitoring and dust control. Any debris or soil containing lead-based paint or coatings shall be disposed of at landfills that meet acceptance criteria for the waste being disposed.
- All potentially friable ACMs shall be removed in accordance with NESHAP guidelines prior to building demolition or renovation that may disturb the materials. All demolition activities shall be undertaken in accordance with OSHA standards contained in Title 8 of the CCR, Section 1529, to protect workers from exposure to asbestos. Specific measures could include air monitoring during demolition and the use of vacuum extraction for asbestos-containing materials.
- A registered asbestos abatement contractor shall be retained to remove and dispose of ACMs identified in the asbestos survey performed for the site.
- Materials containing more than one percent (1%) asbestos are also subject to BAAQMD regulations.

2. **NOISE**

Short-Term Construction Impacts

Impact: The proposed project would result in a short-term increase in noise levels in the project area during demolition and construction activities.

Mitigation: The proposed project will implement the following mitigation measures to reduce noise impacts to nearby residents to a less than significant level:

- Limit all construction-related activities on weekdays between 7:00 AM and 7:00 PM on Monday through Friday for any on-site or off-site work within 500 feet of any residential unit.
- Equip all internal combustion engine-driven equipment with mufflers which are in good condition and appropriate for the equipment.
- Utilize “quiet” models of air compressors and other stationary noise sources where technology exists.
- Locate stationary noise-generating equipment as far as possible from sensitive receptors when sensitive receptors adjoin or are near a project construction area. Staging of construction equipment will be as far as feasible from the sensitive residential and office uses to the north and west.
- Prohibit unnecessary idling of internal combustion engines.

- Designate a “noise disturbance coordinator: who would be responsible for responding to any local complaints about construction noise. The disturbance coordinator would determine the cause of the noise complaints (e.g., beginning work too early, bad muffler, etc.) and institute reasonable measures warranted to correct the problem. A telephone number for the disturbance coordinator would be conspicuously posted at the construction site.

PUBLIC REVIEW PERIOD

Before 5:00 p.m. on **November 18, 2003**, any person may:

- (1) Review the Draft Mitigated Negative Declaration (MND) as an informational document only; or
- (2) Submit written comments regarding the information, analysis, and mitigation measures in the Draft MND. Before the MND is adopted, Planning staff will prepare written responses to any comments, and revise the Draft MND, if necessary, to reflect any concerns raised during the public review period. All written comments will be included as part of the Final MND; or
- (3) File a formal written protest of the determination that the project would not have a significant effect on the environment. This formal protest must be filed in the Department of Planning, Building and Code Enforcement, 801 North First Street, San Jose, Room 400 and include a \$100 filing fee. The written protest should make a “fair argument” based on substantial evidence that the project will have one or more significant effects on the environment. If a valid written protest is filed with the Director of Planning, Building & Code Enforcement within the noticed public review period, the Director may (1) adopt the Mitigated Negative Declaration and set a noticed public hearing on the protest before the Planning Commission, (2) require the project applicant to prepare an environmental impact report and refund the filing fee to the protestant, or (3) require the Draft MND to be revised and undergo additional noticed public review, and refund the filing fee to the protestant.

Stephen M. Haase, AICP
Director, Planning, Building and Code Enforcement

Circulated on: October 29, 2003

Deputy

Adopted on: _____

Deputy

PUBLIC HEARING NOTICE

The Planning Commission and the City Council of the City of San José will consider a change in **Zoning** at a public hearing in accordance with Title 20 of the San José Municipal Code on:

Planning Commission Hearing
Wednesday, November 19, 2003

6:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

City Council Hearing
Tuesday, December 16, 2003

7:00 p.m.

City Council Chambers, Room 205
City Hall
801 North First Street
San Jose, CA 95110

The project being considered is:

PDC03-050. Planned Development Rezoning from R-1-5 Residence District to A(PD) Planned Development Zoning District to allow up to 8 single-family detached residences on a 1.74 gross acre site, located at/on the east side of Hicks Avenue approximately 320 feet southerly of Dry Creek Road (1952 HICKS AV) (Chiesa Christiana Apostolica, Owner; Charles W. Davidson Co., Developer). Council District 6. SNI: None. CEQA: Mitigated Negative Declaration.

Reports, drawings, and documents for this project are on file and available for review, and a permit with recommendations will be available for your review during the week of the public hearing from **9:00 a.m. to 5:00 p.m.**, Monday, Wednesday, Fridays, and from **10:00 a.m. to 5:00 p.m.** Tuesday and Thursdays at:

Department of Planning, Building and Code Enforcement
801 North First Street, Room 400
San José, CA 95110
(408) 277-4576
www.ci.san-jose.ca.us/planning/sjplan/

You are welcome to attend and to speak on this issue. To arrange an accommodation under the Americans with Disabilities Act to participate in this meeting, please call (408) 277-4576 (Voice) at least 48 hours before the meeting.

** If you choose to challenge this land use decision in court, you may be limited to only those issues you, or someone else, raised and discussed at the public hearing or in written correspondence delivered to the City at or prior to the public hearing.*

Comments and questions are welcome and should be referred to the **Project Manager, Anastazia Aziz**, at the e-mail address: anastazia.aziz@ci.sj.ca.us in the Department of Planning, Building and Code Enforcement. Please refer to the above file number for further information on this project.



Joseph Horwedel,
Deputy Director, Plan Implementation Division
Dated: **October 28, 2003**

Patricia L. O'Hearn,
City Clerk

Noticing Radius: **500 ft**

SECTION 20.120.400 OF THE SAN JOSE MUNICIPAL CODE
ESTABLISHES A FORMAT PROTEST PROCEDURE FOR REZONINGS
AND PREZONINGS BEFORE THE CITY COUNCIL

If you are the owner of property to be rezoned, or if you own property adjacent to or across the street from a proposed rezoning or prezoning, you may file an Official Protest. Such protest must be made on a form provided by the Director of Planning and must be filed in the Department of Planning, Building and Code Enforcement **by 5:00 p.m.** on the fifth day before the City Council opens its public hearing on the proposal (that is, the Thursday before a Tuesday hearing). A separate protest petition shall be filed for each separate protesting site. Contact the Department of Planning, Building and Code Enforcement if you have any questions.